

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint) Application No. NUSF-37.134
of Jeffrey L. Pursley, Director)
of the Nebraska Telecommuni-)
cations Infrastructure and)
Public Safety Department of the)
Nebraska Public Service)
Commission,)
) ORDER SUSTAINING COMPLAINT
)
)
vs.)
)
Budget Phone, Inc.,)
)
)
) Respondent(s).) Entered: March 25, 2008

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By Complaint dated July 24, 2007, Jeffrey L. Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department ("NTIPS") Department of the Nebraska Public Service Commission ("Commission") (hereinafter "Complainant") filed a Complaint against Budget Phone, Inc., (hereinafter "Respondent") alleging that Respondent failed to file the required remittance worksheets or remittance payments to the NTIPS Department by the 15th day following the end of the remittance period for the July, 2006; August, 2006; January, 2007; February, 2007; March, 2007 and April, 2007 remittance periods. The Complaint was amended on December 18, 2007 to include further allegations of late filings for the July, 2007 and August, 2007 remittance periods.

A copy of the Complaint was mailed to the Respondent on August 17, 2007 and a copy of the Amended Complaint was mailed to the Respondent on December 19, 2007, both by certified mail. On January 15, 2008, the Commission entered a Show Cause Order seeking administrative fines and revocation of the Respondent's certificate of authority and setting this matter for hearing. A hearing was held in the Commission Hearing Room, Lincoln, Nebraska on February 12, 2008 at 1:30 p.m. Nichole Underhill entered an appearance on behalf of the Commission staff. The Respondent failed to enter an appearance. Commission counsel reported that representatives of the Respondent had contacted NTIPS after receipt of the Show Cause Order concerning the possibility of settlement. Terms of settlement were never reached between the Respondent and the Department and

subsequently, the Respondent submitted an application to the Commission seeking to voluntarily withdraw its certificate of authority in Nebraska. Commission counsel recommended the Commission impose an administrative penalty upon the Respondent for the violations listed in the Complaint and not answered by the Respondent.

Upon consideration of the arguments presented in this case the Commission finds Respondent has failed to resolve the delinquency with the NTIPS Department. Respondent has violated Section 3.02 of the Nebraska Universal Service Fund Rules provided in Neb. Admin. Code Title 291, Chapter 10. In consideration thereof, the Commission is of the opinion and finds that the Complaint filed herein should be sustained and Respondent should be assessed a penalty in the amount of Five Thousand dollars (\$5,000.00) in administrative fines and late handling fees.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Complaint filed against Respondent Budget Phone, Inc. shall be and it is hereby sustained.

IT IS FURTHER ORDERED that Respondent pay an administrative fine and late handling fee in the amount of Five Thousand dollars (\$5,000.00) for the violations found herein.

MADE AND ENTERED at Lincoln, Nebraska, this 25th day of March, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director